

## REMARKS

Claims 1-8 remain pending in this application. Claims 5-8 stand withdrawn as being directed to a non-elected invention.

Applicants acknowledge the withdrawal of the rejection based on Nomi et al. and Oka et al.

Claims 1-4 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Kondo et al. (JP 2002/0088188). It is the position of the Examiner that all features of the present invention are described in Kondo et al., specifically Comparative Example 1. Applicants respectfully disagree.

The Office appears to take the position that the recited piercing strength of 3.5 to 20.0 N/20  $\mu$ m is met by Comparative Example 1 in Kondo et al., and specifically refers to the value of thrust prickle intensity that is allegedly  $397 \text{ g}/25 \mu\text{m} = 4.86 \text{ N}/20 \mu\text{m}$ . Although it appears that the Examiner tried to compensate for the differences in film thickness (i.e., claimed dimension = 20  $\mu$ m, whereas Kondo et al. reported value = 25  $\mu$ m), the reported values were not scaled down to the recited dimension, but up. If the film thickness is smaller, the piercing strength also is smaller. Accordingly,  $397 \text{ g}/25 \mu\text{m} = 317.6 \text{ g}/20 \mu\text{m}$  or about  $3.1 \text{ N}/20 \mu\text{m}$  (NOT  $4.86 \text{ N}/20 \mu\text{m}$ ) as reported in the Office Action. As can be seen from the correct calculation of piercing strength, the value reported for Comparative Example 1 lies outside the scope of the claimed range such that claims 1-4 cannot be anticipated by Comparative Example 1 or any other disclosure in Kondo et al. Accordingly, this rejection should be withdrawn.

Prompt and favorable reconsideration of this application is respectfully requested.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 6, 2010

By:

*Charles E. Van Horn*

Charles E. Van Horn  
Reg. No. 40,266  
(202) 408-4000